



In re Application of:

Serial No.:

Filing Date:

Docket Number:

Title:

CEFALI, EUGENIO

08/962,421

31 October 1997

50454-56103USCIP3

INTERMEDIATE RELEASE NICOTINIC ACID COMPOSITIONS
FOR TREATING HYPERLIPIDEMIA WHICH EXHIBIT AN IN
VIVO STAIR-STEPPED ABSORPTION CURVE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants and their attorney are aware of the following publications and information, listed on the attached PTO Form 1449, and in accordance with 37 CFR §1.97(c) hereby submit these publications for the Examiner's consideration. This Statement is being filed after the first Official Action under 37 CFR §1.97(c)(2). Please charge our deposit account number 50-2543 the amount of \$180.00 as specified in 37 CFR § 1.17(p). A full copy of each cited publication is enclosed.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicant understands the Examiner will make an independent evaluation of the cited publications. No additional costs are believed to be due in connection with the filing of this disclosure. However, please charge any necessary fees to our Deposit Account No. 12-0448. For this purpose we enclose a duplicate copy of this document.

10/23/2003 EFLORES 00000125 502543 08962421

01 FC:1806 180.00 DA

Respectfully submitted,

Karen Messick, Esq.
Registration Number 46,256
Attorney for Applicants

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Date: 10/17/03

CERTIFICATION UNDER 37 C.F.R., §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

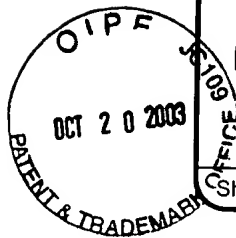
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Jared G. Silberhorn

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	08/962,421
Filing Date	10/31/1997
First Named Inventor	Cefali
Group Art Unit	
Examiner Name	
Attorney Docket Number	50454-56103USCIP3

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Initials ²	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	Dialog File 226: Trademarkscan(r)-US FED: Accession number 73/838497	
	2	McCarthy on Patents, Sec. 19.110	
	3	199 U.S.P.Q. 824 (Endo Laboratories, Inc. v. Fredericks, 08/18/1978)	
	4	KEENAN, et al., A Clinical Trial of Oat Bran and Niacin in the Treatment of Hyperlipidemia", Jour. Fam. Prac., 34:3, 313-317 (1992)	
	5	KNOPP, et al., "Contrasting Effects of Unmodified and Time-Release forms of Niacin on Lipoproteins in Hyperlipidemic Subjects: Clues to Mechanism of Action of Niacin", Metabolism, 34:7, 642-650 (1985)	
	6	Letter to Applicant from U.S. Department of Health and Human Services dated 07/28/1997	

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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